

AMNESTY INTERNATIONAL PUBLIC STATEMENT

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Indonesia: Atheist imprisonment a setback for freedom of expression

The imprisonment of Alexander Aan for incitement is a serious setback for freedom of expression in Indonesia, and violates Indonesia's obligations under international law. Amnesty considers him to be a prisoner of conscience and calls for his immediate and unconditional release.

Alexander Aan, a 30 year old civil servant from Pulau Punjung subdistrict in West Sumatera province, was reportedly an active member of the *Minang* atheist Facebook group. He allegedly posted statements and pictures which some people construed as insulting Islam and the prophet Mohammad.

On 18 January 2012 an angry crowd who had heard about his alleged Facebook posts gathered at his workplace and threatened to beat him. Police officers intervened and took him to the Pulau Punjung Sub-District police station for his safety. On 20 January he was charged for "disseminating information aimed at inciting religious hatred or hostility" under Article 28 (2) of the Electronic Information and Transaction (ITE) Law, religious blasphemy under Article 156a(a) of the Indonesian Criminal Code and calling for others to embrace atheism under Article 156a(b) of the same code.

His trial began at the Muaro District Court on 2 April 2012. On 14 June the court sentenced him to two and a half years' imprisonment and a fine of 100 million rupiah (US\$10,600) for violating the Electronic Information and Transaction (ITE) Law.

Amnesty International believes the charges and sentence are in contravention of Indonesia's obligations under the International Covenant on Civil and Political Rights (ICCPR) particularly Article 18, which protects an individual's right to freedom of thought, conscience and religion and Article 19, which guarantees the right to freedom of opinion and expression.

As the United Nations Human Rights Committee – the UN body charged with interpretation of the ICCPR – noted in its General Comment No. 22, freedom of religion includes the freedom to have and adopt atheistic views. The right to hold and express such views is guaranteed under Article 19 of the ICCPR.

Further the UN Special Rapporteur on Freedom of Religion or Belief has emphasised that "the right to freedom of religion or belief does not include the right to have a religion or belief that is free from criticism or ridicule"

Amnesty International continues to be concerned about Article 156a of the Criminal Code created by the Presidential Decision Number 1/PNPS/1965 concerning the prevention of religious abuse and/or defamation which imposes a prison sentence "for whosoever in public intentionally expresses their views or engages in actions that in principle incite hostilities and considered as abuse or defamation of a religion embraced in Indonesia".

The organisation urges the Indonesian authorities to repeal the Presidential Decision and Article 156a of the Criminal Code.

The laws continue to be used to imprison people for as long as five years, simply because they have peacefully exercised their right to freedom of expression or their right to freedom of religion.